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CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

AIDE-MEMOIRE OF THE GOVERNMENT OF SWITZERLAND PRESENTED ON 17 NOVEMBER 1967 TO THE CO-CHAIRMEN OF THE CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

Switzerland is paying the greatest attention to the work of the Eighteen-Nation Committee on Disarmament. It is convinced that the interest of the community of nations requires that the spread and proliferation of nuclear weapons should be checked. Hence it hopes very much that a satisfactory non-proliferation treaty will be concluded.

The present draft treaty (ENDC/192, 193) cannot yet give rise to the adoption of a definitive position by the Swiss Government, since the text is subject to amendment and one of its main articles is missing. Nevertheless, the draft calls for some comments which it is to be hoped that the negotiators will be able to take into account.

(1) Articles I and II of the draft treaty contain some ideas which should be defined more accurately in order to clarify the commitments which they entail.

(a) The two articles prohibit the direct or indirect transfer of any nuclear explosive device. The Swiss authorities consider that the term "indirect" concerns the supply of arms, explosives or technical assistance for military purposes through the agency of a third State whether a Party to the treaty or not.

(b) The phrase "to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices" does not cover, according to the interpretation of the Swiss authorities, exploitation of uranium deposits, enrichment of uranium, extraction of plutonium from nuclear fuels, or manufacture of fuel elements or heavy water, when these processes are carried out for civil purposes.

The Swiss authorities would like these interpretations to be confirmed formally.

(2) The future article III on control should express in particular the following principles:

(a) Control should be limited to the flow of source and special fissionable materials, as indeed the fifth paragraph of the preamble provides. It should not go beyond its objective, which is to prevent these products from being used for the manufacture of weapons.

Consequently there should be an accurate description of what can be controlled in accordance with the rules of the International Atomic Energy Agency (IAEA) of 3 December 1965.

(b) There should not be any double control.

(c) The costs of control should be borne by the control organ in order to avoid commercial discrimination against peaceful exports of nuclear material from non-nuclear-weapon States for the benefit of nuclear-weapon States not subject to control or of non-signatory non-nuclear-weapon States.

(d) Each State should be entitled to object to particular inspectors, and to have inspectors accompanied during control by its own officials.

(e) To maintain equality in the conditions of competition between States, it would be desirable that control should extend also to the civil nuclear installations of nuclear-weapon States.

(3) Article IV on freedom to use nuclear energy for peaceful purposes should be supplemented:

(a) The sixth paragraph of the preamble expresses the intention of the nuclear-weapon States to make available to all Parties to the treaty the knowledge and benefits of applications of nuclear technology derived from the development of nuclear explosive devices and capable of civil use. This intention should be transformed into a juridical commitment in the body of the treaty, without however implying that the communication of such information would be free of charge.

(b) In regard to atomic explosions for peaceful purposes, the Swiss authorities consider that the intentions expressed in the eighth paragraph of the preamble should also constitute an article of the treaty; this article could provide for the establishment of a special body, in which the non-nuclear-weapon States would be represented, to determine the conditions in which nuclear explosions for peaceful purposes could take place.

(4) For the treaty to fulfil its aim, it should come near to universality. It would be desirable that article VI, paragraph 3, should stipulate that the entry into force of the treaty shall be subject to ratification by as large a number of States as possible, including all the signatory nuclear-weapon States. Switzerland could only be a party to the treaty if most of the Powers likely to possess nuclear weapons acceded to it. So long as that condition is not fulfilled, the treaty will contain a gap endangering the security of the small States on which it would be binding. Moreover, the non-accession of important industrial Powers might be economically prejudicial to the competitive capacity of the atomic industry of the signatory States.

(5) Article VII stipulates that the treaty shall be of unlimited duration. To subscribe to such a commitment seems hardly conceivable in a field where development is as rapid and unpredictable as that of nuclear science and its technical, economic, political and military implications. Consequently it would be preferable that the treaty should be concluded for a definite period, at the end of which a review conference would decide about its renewal. During that interval the nuclear-weapon States could adopt specific measures aimed at a limitation of armaments. The non-nuclear-weapon States certainly cannot take the responsibility of tying their hands indefinitely if the nuclear-weapon States fail to arrive at positive results in that direction.

(6) The Treaty will establish a lasting juridical discrimination between States according to whether they possess nuclear weapons or not. To consent to this would represent for the non-nuclear-weapon States a heavy sacrifice which is inconceivable unless something is given in return. Since their security is what the arms race chiefly endangers, some progress should be made in limiting this.

The provisions on that subject in the preamble are not sufficient because they do not constitute a commitment but a mere declaration of intent. They should not only be given a place in the body of the treaty but should also comprise more precise obligations, such as the stabilization of atomic armaments at their present level. Furthermore, the nuclear-weapon States should solemnly and formally undertake never to use or threaten to use nuclear weapons against non-nuclear weapon States parties to the treaty.

Such provisions would to some extent meet the security requirements of the non-nuclear-weapon States.

(7) It would be desirable that the treaty should provide a mandatory arbitration procedure for all disputes over its interpretation and application.